

REMARKS/ARGUMENTS

Claims 1-45 are pending in this application. Claims 1, 13, 25 and 37 are independent claims and have been currently amended. Support for the amendment may be found throughout the specification and drawings.

Claim Rejections – 35 USC § 112

Claims 1, 13, 25 and 37 were rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which Applicant regards as his invention. Applicant respectfully disagrees. However, Claims 1, 13, 25 and 37 have been currently amended. Thus, the rejection of Claims 1, 13, 25 and 37 should be withdrawn.

Claim Objections

Claim 37 was objected to because of some informalities. Claim 37 has been currently amended in accordance with the Patent Office's instruction. Thus, the objection of Claim 37 should be withdrawn.

Claim Rejections – 35 USC § 102

Claims 1-3, 5-15, 17-27 and 29-45 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al. ("Lee", U.S. Patent Number 5,500,805). Applicant respectfully traverses this rejection.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claim 1, as amended, recites an element of "a slice, said slice being a constrained and abstract specification of all IP, characteristics of interconnect, memory structures, I/O's, and a transistor array of a chip" (emphasis added). Such

amendment is supported, for example, by paragraph [0019] at page 7 of the Specification.

In rejecting Claim 1, the Patent Office has relied on col. 12, ll. 62-63 and col. 13, ll. 7-24 of Lee for teaching this element (Office Action, page 3, ll. 8-9 from bottom). Applicant respectfully disagrees.

Col. 12, ll. 62-63 of Lee recites “each other and meet the requirements of the designer as specified during specification step 501,” and col. 13, ll. 7-24 of Lee recites:

FIG. 2 shows that, in accordance with this invention, the process parameters (such as may be defined by Spice parameters and design rules) for each alternate source fabrication facilities, equalize the performance of devices to be fabricated by each alternate source, and generate a single library with the same functionality and timing performance in order to generate models for steps 502 through 505 of FIG. 2. In this manner a customer with a desired function uses library 509 which is applicable to the plurality of alternate source fabrication facilities. Further, by using the same place and route step 505, correspondingly similar wire lengths are assured among the corresponding ASICs fabricated by alternate sources. During the mask making process, masks are adjusted (in mask adjust steps 506-1 through 506-N) to the minimum design rules for each alternate source, allowing each alternate source to produce the smallest (and thus least costly) integrated circuit permitted under its design rules.

Nowhere in Lee is the foregoing described element, as recited in Claim 1, taught, disclosed or suggested.

Furthermore, Claim 1 recites an element of “platform-based design.” In contrast, Lee pertains to “gate arrays, embedded arrays, and standard cells” (col. 1, ll. 16-17). When rejecting Claim 1, the Patent Office has analogized “platform-based design” to array based design (Office Action, page 3, ll. 11 from bottom). Applicant respectfully disagrees. The Patent Office herein is respectfully directed to FIG. 1 and paragraphs [0010] through [0015] of Specification to see the difference between the platform and the gate array. Platform-based design *cannot* be analogized to array-based design.

At least based on these reasons, the rejection of Claim 1 should be withdrawn,

and Claim 1 is allowable.

Based on the same or similar rationales as applied to Claim 1, independent Claims 13, 25 and 37 are allowable since Claim 1 is allowable.

Claims 2-3 and 5-12 depend from Claim 1 and are therefore allowable due to their dependence upon Claim 1. Claims 14-15 and 17-24 depend from Claim 13 and are therefore allowable due to their dependence upon Claim 13. Claims 26-27 and 29-36 depend from Claim 25 and are therefore allowable due to their dependence upon Claim 25. Claims 38-45 depend from Claim 37 and are therefore allowable due to their dependence upon Claim 37.

Claim Rejections – 35 USC § 103(a)

Claims 4, 16 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Chen et al. (“Chen”, U.S. Patent Number 6,757,882). Applicant respectfully traverses this rejection.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (emphasis added) (MPEP § 2143). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. (emphasis added) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

As indicated in the foregoing *Claim Rejections – 35 USC § 102* section, Lee fails to teach, disclose, or suggest some claim elements as recited in Claims 1, 13 and 25. Furthermore, Chen also fails to teach, disclose, or suggest these claim elements. Thus, independent Claims 1, 13 and 25 are nonobvious under 35 U.S.C. § 103.

Claims 4, 16 and 28 depend from Claims 1, 13 and 25, respectively, and are therefore nonobvious due to their dependence. Thus, the rejection should be withdrawn, and Claims 4, 16 and 28 should be allowed.

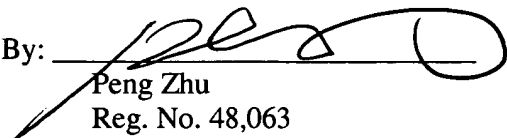
CONCLUSION

In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted on behalf of
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